

AMENDED IN SENATE MARCH 19, 2009

SENATE BILL

No. 111

Introduced by Senator Correa

January 28, 2009

An act to amend Section 798.44 of, to amend and renumber Sections ~~798.15, 798.16, 798.17, 798.18, 798.19, 798.19.5, 798.20, 798.21, 798.22, 798.27, 798.28, 798.29, 798.29.5, 798.29.6, 798.38, 798.39, 798.40, 798.42, 798.43, 798.43.1, 798.49, and 798.76~~ of, to amend and ~~798.21, 798.22, 798.23, 798.23.5, 798.25.5, 798.28, 798.28.5, 798.29.5, 798.38, 798.40, 798.42, 798.43, and 798.49~~ of, to amend, renumber, and add Section 798.29, to amend and renumber the heading of Article 4 (commencing with Section 798.30) of Chapter 2.5 of Title 2 of Part 2 of Division 2 of, to add Section 798.29 to, and to add the heading of Article 4 (commencing with Section 798.40) of to Chapter 2.5 of Title 2 of Part 2 of Division 2 of, the Civil Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 111, as amended, Correa. Mobilehome Residency Law.

The Mobilehome Residency Law governs residency in mobilehome parks and includes provisions that are applicable to those who have an ownership interest in a subdivision, cooperative, or condominium for mobilehomes, or a resident-owned mobilehome park, as specified. Among other things, these provisions set forth the rights of residents and homeowners regarding the use of the property.

This bill would reorganize the Mobilehome Residency Law by revising and recasting various provisions thereof.

This bill would make other technical, conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 798.15 of the Civil Code is amended and~~
2 ~~renumbered to read:~~
3 ~~798.21. The rental agreement shall be in writing and shall~~
4 ~~contain, in addition to the provisions otherwise required by law to~~
5 ~~be included, all of the following:~~
6 ~~(a) The term of the tenancy and the rent therefor.~~
7 ~~(b) The rules and regulations of the park.~~
8 ~~(c) A copy of the text of this chapter shall be attached as an~~
9 ~~exhibit and shall be incorporated into the rental agreement by~~
10 ~~reference. Management shall provide all homeowners with a copy~~
11 ~~of this chapter prior to February 1 of each year, if a significant~~
12 ~~change was made in the chapter by legislation enacted in the prior~~
13 ~~year.~~
14 ~~(d) A provision specifying that (1) it is the responsibility of the~~
15 ~~management to provide and maintain physical improvements in~~
16 ~~the common facilities in good working order and condition and~~
17 ~~(2) with respect to a sudden or unforeseeable breakdown or~~
18 ~~deterioration of these improvements, the management shall have~~
19 ~~a reasonable period of time to repair the sudden or unforeseeable~~
20 ~~breakdown or deterioration and bring the improvements into good~~
21 ~~working order and condition after management knows or should~~
22 ~~have known of the breakdown or deterioration. For purposes of~~
23 ~~this subdivision, a reasonable period of time to repair a sudden or~~
24 ~~unforeseeable breakdown or deterioration shall be as soon as~~
25 ~~possible in situations affecting a health or safety condition, and~~
26 ~~shall not exceed 30 days in any other case except where exigent~~
27 ~~circumstances justify a delay.~~
28 ~~(e) A description of the physical improvements to be provided~~
29 ~~the homeowner during his or her tenancy.~~
30 ~~(f) A provision listing those services which will be provided at~~
31 ~~the time the rental agreement is executed and will continue to be~~
32 ~~offered for the term of tenancy and the fees, if any, to be charged~~
33 ~~for those services.~~
34 ~~(g) A provision stating that management may charge a~~
35 ~~reasonable fee for services relating to the maintenance of the land~~

1 and premises upon which a mobilehome is situated in the event
2 the homeowner fails to maintain the land or premises in accordance
3 with the rules and regulations of the park after written notification
4 to the homeowner and the failure of the homeowner to comply
5 within 14 days. The written notice shall state the specific condition
6 to be corrected and an estimate of the charges to be imposed by
7 management if the services are performed by management or its
8 agent.

9 (h) ~~All other provisions governing the tenancy.~~

10 SEC. 2. ~~Section 798.16 of the Civil Code is amended and~~
11 ~~renumbered to read:~~

12 ~~798.21.2. (a) The rental agreement may include other~~
13 ~~provisions permitted by law, but need not include specific language~~
14 ~~contained in state or local laws not a part of this chapter.~~

15 ~~(b) Management shall return an executed copy of the rental~~
16 ~~agreement to the homeowner within 15 business days after~~
17 ~~management has received the rental agreement signed by the~~
18 ~~homeowner.~~

19 SEC. 3. ~~Section 798.17 of the Civil Code is amended and~~
20 ~~renumbered to read:~~

21 ~~798.21.3. (a) (1) Rental agreements meeting the criteria of~~
22 ~~subdivision (b) shall be exempt from any ordinance, rule,~~
23 ~~regulation, or initiative measure adopted by any local governmental~~
24 ~~entity which establishes a maximum amount that a landlord may~~
25 ~~charge a tenant for rent. The terms of a rental agreement meeting~~
26 ~~the criteria of subdivision (b) shall prevail over conflicting~~
27 ~~provisions of an ordinance, rule, regulation, or initiative measure~~
28 ~~limiting or restricting rents in mobilehome parks, only during the~~
29 ~~term of the rental agreement or one or more uninterrupted,~~
30 ~~continuous extensions thereof. If the rental agreement is not~~
31 ~~extended and no new rental agreement in excess of 12 months'~~
32 ~~duration is entered into, then the last rental rate charged for the~~
33 ~~space under the previous rental agreement shall be the base rent~~
34 ~~for purposes of applicable provisions of law concerning rent~~
35 ~~regulation, if any.~~

36 ~~(2) In the first sentence of the first paragraph of a rental~~
37 ~~agreement entered into on or after January 1, 1993, pursuant to~~
38 ~~this section, there shall be set forth a provision in at least 12-point~~
39 ~~boldface type if the rental agreement is printed, or in capital letters~~
40 ~~if the rental agreement is typed, giving notice to the homeowner~~

1 that the rental agreement will be exempt from any ordinance, rule,
2 regulation, or initiative measure adopted by any local governmental
3 entity which establishes a maximum amount that a landlord may
4 charge a tenant for rent.

5 (b) Rental agreements subject to this section shall meet all of
6 the following criteria:

7 (1) The rental agreement shall be in excess of 12 months'
8 duration.

9 (2) The rental agreement shall be entered into between the
10 management and a homeowner for the personal and actual
11 residence of the homeowner.

12 (3) The homeowner shall have at least 30 days from the date
13 the rental agreement is first offered to the homeowner to accept
14 or reject the rental agreement.

15 (4) The homeowner who executes a rental agreement offered
16 pursuant to this section may void the rental agreement by notifying
17 management in writing within 72 hours of the homeowner's
18 execution of the rental agreement.

19 (e) If, pursuant to paragraph (3) or (4) of subdivision (b), the
20 homeowner rejects the offered rental agreement or rescinds a signed
21 rental agreement, the homeowner shall be entitled to instead accept,
22 pursuant to Section 798.18, a rental agreement for a term of 12
23 months or less from the date the offered rental agreement was to
24 have begun. In the event the homeowner elects to have a rental
25 agreement for a term of 12 months or less, including a
26 month-to-month rental agreement, the rental agreement shall
27 contain the same rental charges, terms, and conditions as the rental
28 agreement offered pursuant to subdivision (b), during the first 12
29 months, except for options, if any, contained in the offered rental
30 agreement to extend or renew the rental agreement.

31 (d) Nothing in subdivision (e) shall be construed to prohibit the
32 management from offering gifts of value, other than rental rate
33 reductions, to homeowners who execute a rental agreement
34 pursuant to this section.

35 (e) With respect to any space in a mobilehome park that is
36 exempt under subdivision (a) from any ordinance, rule, regulation,
37 or initiative measure adopted by any local governmental entity
38 that establishes a maximum amount that a landlord may charge a
39 homeowner for rent, and notwithstanding any ordinance, rule,
40 regulation, or initiative measure, a mobilehome park shall not be

1 assessed any fee or other exaction for a park space that is exempt
2 under subdivision (a) imposed pursuant to any ordinance, rule,
3 regulation, or initiative measure. No other fee or other exaction
4 shall be imposed for a park space that is exempt under subdivision
5 (a) for the purpose of defraying the cost of administration thereof.

6 ~~(f) At the time the rental agreement is first offered to the~~
7 ~~homeowner, the management shall provide written notice to the~~
8 ~~homeowner of the homeowner's right (1) to have at least 30 days~~
9 ~~to inspect the rental agreement, and (2) to void the rental agreement~~
10 ~~by notifying management in writing within 72 hours of the~~
11 ~~acceptance of a rental agreement. The failure of the management~~
12 ~~to provide the written notice shall make the rental agreement~~
13 ~~voidable at the homeowner's option upon the homeowner's~~
14 ~~discovery of the failure. The receipt of any written notice provided~~
15 ~~pursuant to this subdivision shall be acknowledged in writing by~~
16 ~~the homeowner.~~

17 ~~(g) No rental agreement subject to subdivision (a) that is first~~
18 ~~entered into on or after January 1, 1993, shall have a provision~~
19 ~~which authorizes automatic extension or renewal of, or~~
20 ~~automatically extends or renews, the rental agreement for a period~~
21 ~~beyond the initial stated term at the sole option of either the~~
22 ~~management or the homeowner.~~

23 ~~(h) This section does not apply to or supersede other provisions~~
24 ~~of this part or other state law.~~

25 ~~SEC. 4. Section 798.18 of the Civil Code is amended and~~
26 ~~renumbered to read:~~

27 ~~798.21.4. (a) A homeowner shall be offered a rental agreement~~
28 ~~for (1) a term of 12 months, or (2) a lesser period as the homeowner~~
29 ~~may request, or (3) a longer period as mutually agreed upon by~~
30 ~~both the homeowner and management.~~

31 ~~(b) No rental agreement shall contain any terms or conditions~~
32 ~~with respect to charges for rent, utilities, or incidental reasonable~~
33 ~~service charges that would be different during the first 12 months~~
34 ~~of the rental agreement from the corresponding terms or conditions~~
35 ~~that would be offered to the homeowners on a month-to-month~~
36 ~~basis.~~

37 ~~(c) No rental agreement for a term of 12 months or less shall~~
38 ~~include any provision which authorizes automatic extension or~~
39 ~~renewal of, or automatically extends or renews, the rental~~

1 agreement beyond the initial term for a term longer than 12 months
2 at the sole option of either the management or the homeowner.

3 ~~SEC. 5. Section 798.19 of the Civil Code is amended and~~
4 ~~renumbered to read:~~

5 ~~798.21.5. No rental agreement for a mobilehome shall contain~~
6 ~~a provision by which the homeowner waives his or her rights under~~
7 ~~the provisions of Articles 1 to 8, inclusive, of this chapter. Any~~
8 ~~such waiver shall be deemed contrary to public policy and void.~~

9 ~~SEC. 6. Section 798.19.5 of the Civil Code is amended and~~
10 ~~renumbered to read:~~

11 ~~798.21.6. A rental agreement entered into or renewed on and~~
12 ~~after January 1, 2006, shall not include a clause, rule, regulation,~~
13 ~~or any other provision that grants to management the right of first~~
14 ~~refusal to purchase a homeowner's mobilehome that is in the park~~
15 ~~and offered for sale to a third party pursuant to Article 7~~
16 ~~(commencing with Section 798.70). This section does not preclude~~
17 ~~a separate agreement for separate consideration granting the park~~
18 ~~owner or management a right of first refusal to purchase the~~
19 ~~homeowner's mobilehome that is in the park and offered for sale.~~

20 ~~SEC. 7. Section 798.20 of the Civil Code is amended and~~
21 ~~renumbered to read:~~

22 ~~798.15. (a) Membership in any private club or organization~~
23 ~~that is a condition for tenancy in a park shall not be denied on any~~
24 ~~basis listed in subdivision (a) or (d) of Section 12955 of the~~
25 ~~Government Code, as those bases are defined in Sections 12926,~~
26 ~~12926.1, subdivision (m) and paragraph (1) of subdivision (p) of~~
27 ~~Section 12955, and Section 12955.2 of the Government Code.~~

28 ~~(b) Notwithstanding subdivision (a), with respect to familial~~
29 ~~status, subdivision (a) shall not be construed to apply to housing~~
30 ~~for older persons, as defined in Section 12955.9 of the Government~~
31 ~~Code. With respect to familial status, nothing in subdivision (a)~~
32 ~~shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11,~~
33 ~~and 799.5, relating to housing for senior citizens. Subdivision (d)~~
34 ~~of Section 51 and Section 1360 of this code and subdivisions (n),~~
35 ~~(o), and (p) of Section 12955 of the Government Code shall apply~~
36 ~~to subdivision (a).~~

37 ~~SEC. 8.~~

38 ~~SECTION 1. Section 798.21 of the Civil Code is amended and~~
39 ~~renumbered to read:~~

1 798.47. (a) Notwithstanding Section 798.17, if a mobilehome
2 space within a mobilehome park is not the principal residence of
3 the homeowner and the homeowner has not rented the mobilehome
4 to another party, it shall be exempt from any ordinance, rule,
5 regulation, or initiative measure adopted by any city, county, or
6 city and county, which establishes a maximum amount that the
7 landlord may charge a tenant for rent.

8 (b) Nothing in this section is intended to require any homeowner
9 to disclose information concerning his or her personal finances.
10 Nothing in this section shall be construed to authorize management
11 to gain access to any records which would otherwise be confidential
12 or privileged.

13 (c) For purposes of this section, a mobilehome shall be deemed
14 to be the principal residence of the homeowner, unless a review
15 of state or county records demonstrates that the homeowner is
16 receiving a homeowner's exemption for another property or
17 mobilehome in this state, or unless a review of public records
18 reasonably demonstrates that the principal residence of the
19 homeowner is out of state.

20 (d) Before modifying the rent or other terms of tenancy as a
21 result of a review of records, as described in subdivision (c), the
22 management shall notify the homeowner, in writing, of the
23 proposed changes and provide the homeowner with a copy of the
24 documents upon which management relied.

25 (e) The homeowner shall have 90 days from the date the notice
26 described in subdivision (d) is mailed to review and respond to
27 the notice. Management may not modify the rent or other terms
28 of tenancy prior to the expiration of the 90-day period or prior to
29 responding, in writing, to information provided by the homeowner.
30 Management may not modify the rent or other terms of tenancy if
31 the homeowner provides documentation reasonably establishing
32 that the information provided by management is incorrect or that
33 the homeowner is not the same person identified in the documents.
34 However, nothing in this subdivision shall be construed to authorize
35 the homeowner to change the homeowner's exemption status of
36 the other property or mobilehome owned by the homeowner.

37 (f) This section does not apply under any of the following
38 conditions:

39 (1) The homeowner is unable to rent or lease the mobilehome
40 because the owner or management of the mobilehome park in

1 which the mobilehome is located does not permit, or the rental
2 agreement limits or prohibits, the assignment of the mobilehome
3 or the subletting of the park space.

4 (2) The mobilehome is being actively held available for sale by
5 the homeowner, or pursuant to a listing agreement with a real estate
6 broker licensed pursuant to Chapter 3 (commencing with Section
7 10130) of Part 1 of Division 4 of the Business and Professions
8 Code, or a mobilehome dealer, as defined in Section 18002.6 of
9 the Health and Safety Code. A homeowner, real estate broker, or
10 mobilehome dealer attempting to sell a mobilehome shall actively
11 market and advertise the mobilehome for sale in good faith to bona
12 fide purchasers for value in order to remain exempt pursuant to
13 this subdivision.

14 (3) The legal owner has taken possession or ownership, or both,
15 of the mobilehome from a registered owner through either a
16 surrender of ownership interest by the registered owner or a
17 foreclosure proceeding.

18 ~~SEC. 9.~~

19 *SEC. 2.* Section 798.22 of the Civil Code is amended and
20 renumbered to read:

21 ~~798.18.~~

22 *798.13.5.* (a) In any new mobilehome park that is developed
23 after January 1, 1982, mobilehome spaces shall not be rented for
24 the accommodation of recreational vehicles as defined by Section
25 799.29 unless the mobilehome park has a specifically designated
26 area within the park for recreational vehicles, which is separate
27 and apart from the area designated for mobilehomes. Recreational
28 vehicles may be located only in the specifically designated area.

29 (b) Any new mobilehome park that is developed after January
30 1, 1982, is not subject to the provisions of this section until 75
31 percent of the spaces have been rented for the first time.

32 *SEC. 3.* *Section 798.23 of the Civil Code is amended and*
33 *renumbered to read:*

34 ~~798.23.~~

35 *798.21.* (a) The owner of the park, and any person employed
36 by the park, shall be subject to, and comply with, all park rules
37 and regulations, to the same extent as residents and their guests.

38 (b) Subdivision (a) of this section does not apply to either of
39 the following:

1 (1) Any rule or regulation that governs the age of any resident
2 or guest.

3 (2) Acts of a park owner or park employee which are undertaken
4 to fulfill a park owner's maintenance, management, and business
5 operation responsibilities.

6 *SEC. 4. Section 798.23.5 of the Civil Code is amended and*
7 *renumbered to read:*

8 ~~798.23.5.~~

9 798.22. (a) (1) Management shall permit a homeowner to rent
10 his or her home that serves as the homeowner's primary residence
11 or sublet his or her space, under the circumstances described in
12 paragraph (2) and subject to the requirements of this section.

13 (2) A homeowner shall be permitted to rent or sublet pursuant
14 to paragraph (1) if a medical emergency or medical treatment
15 requires the homeowner to be absent from his or her home and
16 this is confirmed in writing by an attending physician.

17 (b) The following provisions shall apply to a rental or sublease
18 pursuant to this section:

19 (1) The minimum term of the rental or sublease shall be six
20 months, unless the management approves a shorter term, but no
21 greater than 12 months, unless management approves a longer
22 term.

23 (2) The management may require approval of a prospective
24 renter or sublessee, subject to the process and restrictions provided
25 by subdivision (a) of Section 798.74 for prospective purchasers
26 of mobilehomes. A prospective sublessee shall comply with any
27 rule or regulation limiting residency based on age requirements,
28 pursuant to Section 798.76. The management may charge a
29 prospective sublessee a credit screening fee for the actual cost of
30 any personal reference check or consumer credit report that is
31 provided by a consumer credit reporting agency, as defined in
32 Section 1785.3, if the management or his or her agent requires that
33 personal reference check or consumer credit report.

34 (3) The renter or sublessee shall comply with all rules and
35 regulations of the park. The failure of a renter or sublessee to
36 comply with the rules and regulations of the park may result in the
37 termination of the homeowner's tenancy in the mobilehome park,
38 in accordance with Section 798.56. A homeowner's tenancy may
39 not be terminated under this paragraph if the homeowner completes
40 an action for unlawful detainer or executes a judgement for

1 possession, pursuant to Chapter 4 (commencing with Section 1159)
2 of Title 3 of Part 3 of the Code of Civil Procedure within 60 days
3 of the homeowner receiving notice of termination of tenancy.

4 (4) The homeowner shall remain liable for the mobilehome park
5 rent and other park charges.

6 (5) The management may require the homeowner to reside in
7 the mobilehome park for a term of one year before management
8 permits the renting or subletting of a mobilehome or mobilehome
9 space.

10 (6) Notwithstanding subdivision (a) of Section 798.39, if a
11 security deposit has been refunded to the homeowner pursuant to
12 subdivision (b) or (c) of Section 798.39, the management may
13 require the homeowner to resubmit a security deposit in an amount
14 or value not to exceed two months' rent in addition to the first
15 month's rent. Management may retain this security deposit for the
16 duration of the term of the rental or sublease.

17 (7) The homeowner shall keep his or her current address and
18 telephone number on file with the management during the term of
19 rental or sublease. If applicable, the homeowner may provide the
20 name, address, and telephone number of his or her legal
21 representative.

22 (c) A homeowner may not charge a renter or sublessee more
23 than an amount necessary to cover the cost of space rent, utilities,
24 and scheduled loan payments on the mobilehome, if any.

25 *SEC. 5. Section 798.25.5 of the Civil Code is amended and*
26 *renumbered to read:*

27 ~~798.25.5.~~

28 798.23. Any rule or regulation of a mobilehome park that (a)
29 is unilaterally adopted by the management, (b) is implemented
30 without the consent of the homeowners, and (c) by its terms
31 purports to deny homeowners their right to a trial by jury or which
32 would mandate binding arbitration of any dispute between the
33 management and homeowners shall be void and unenforceable.

34 ~~SEC. 10. Section 798.27 of the Civil Code is amended and~~
35 ~~renumbered to read:~~

36 ~~798.17. (a) The management shall give written notice to all~~
37 ~~homeowners and prospective homeowners concerning the~~
38 ~~following matters: (1) the nature of the zoning or use permit under~~
39 ~~which the mobilehome park operates. If the mobilehome park is~~
40 ~~operating pursuant to a permit subject to a renewal or expiration~~

1 date, the relevant information and dates shall be included in the
2 notice. (2) The duration of any lease of the mobilehome park, or
3 any portion thereof, in which the management is a lessee.

4 (b) If a change occurs concerning the zoning or use permit under
5 which the park operates or a lease in which the management is a
6 lessee, all homeowners shall be given written notice within 30
7 days of that change. Notification regarding the change of use of
8 the park, or any portion thereof, shall be governed by subdivision
9 (g) of Section 798.56. A prospective homeowner shall be notified
10 prior to the inception of the tenancy.

11 ~~SEC. 11.~~

12 *SEC. 6.* Section 798.28 of the Civil Code is amended and
13 renumbered to read:

14 ~~798.16.~~

15 *798.14.1.* The management of a mobilehome park shall
16 disclose, in writing, the name, business address, and business
17 telephone number of the mobilehome park owner upon the request
18 of a homeowner.

19 *SEC. 7.* Section 798.28.5 of the Civil Code is amended and
20 renumbered to read:

21 ~~798.28.5.~~

22 *798.28.* (a) Except as otherwise provided in this section, the
23 management may cause the removal, pursuant to Section 22658
24 of the Vehicle Code, of a vehicle other than a mobilehome that is
25 parked in the park when there is displayed a sign at each entrance
26 to the park as provided in paragraph (1) of subdivision (a) of
27 Section 22658 of the Vehicle Code.

28 (b) (1) Management may not cause the removal of a vehicle
29 from a homeowner's or resident's driveway or a homeowner's or
30 resident's designated parking space except if management has first
31 posted on the windshield of the vehicle a notice stating
32 management's intent to remove the vehicle in seven days and
33 stating the specific park rule that the vehicle has violated that
34 justifies its removal. After the expiration of seven days following
35 the posting of the notice, management may remove a vehicle that
36 remains in violation of a rule for which notice has been posted
37 upon the vehicle. If a vehicle rule violation is corrected within
38 seven days after the rule violation notice is posted on the vehicle,
39 the vehicle may not be removed. If a vehicle upon which a rule
40 violation notice has been posted is removed from the park by a

1 homeowner or resident and subsequently is returned to the park
2 still in violation of the rule stated in the notice, management is not
3 required to post any additional notice on the vehicle, and the
4 vehicle may be removed after the expiration of the seven-day
5 period following the original notice posting.

6 (2) If a vehicle poses a significant danger to the health or safety
7 of a park resident or guest, or if a homeowner or resident requests
8 to have a vehicle removed from his or her driveway or designated
9 parking space, the requirements of paragraph (1) do not apply, and
10 management may remove the vehicle pursuant to Section 22658
11 of the Vehicle Code.

12 ~~SEC. 12.~~

13 SEC. 8. Section 798.29 of the Civil Code is amended and
14 renumbered to read:

15 ~~798.19.~~

16 798.14.2. The management shall post a mobilehome
17 ombudsman sign provided by the Department of Housing and
18 Community Development, as required by Section 18253.5 of the
19 Health and Safety Code.

20 ~~SEC. 13.~~

21 SEC. 9. Section 798.29 is added to the Civil Code, to read:

22 798.29. ~~Sections~~ Section 798.36, subdivision (d) of Section
23 798.56, and Section 798.88 ~~govern~~ relate to enforcement of park
24 rules and regulations.

25 ~~SEC. 14.~~

26 SEC. 10. Section 798.29.5 of the Civil Code is amended and
27 renumbered to read:

28 ~~798.44.1.~~

29 798.43. The management shall provide, by posting notice on
30 the mobilehomes of all affected homeowners and residents, at least
31 72 hours' written advance notice of an interruption in utility service
32 of more than two hours for the maintenance, repair, or replacement
33 of facilities of utility systems over which the management has
34 control within the park, provided that the interruption is not due
35 to an emergency. The management shall be liable only for actual
36 damages sustained by a homeowner or resident for violation of
37 this section.

38 "Emergency," for purposes of this section, means the interruption
39 of utility service resulting from an accident or act of nature, or

1 cessation of service caused by other than the management's regular
2 or planned maintenance, repair, or replacement of utility facilities.

3 ~~SEC. 15. Section 798.29.6 of the Civil Code is amended and~~
4 ~~renumbered to read:~~

5 ~~798.27. The management shall not prohibit a homeowner or~~
6 ~~resident from installing accommodations for the disabled on the~~
7 ~~home or the site, lot, or space on which the mobilehome is located,~~
8 ~~including, but not limited to, ramps or handrails on the outside of~~
9 ~~the home, as long as the installation of those facilities complies~~
10 ~~with code, as determined by an enforcement agency, and those~~
11 ~~facilities are installed pursuant to a permit, if required for the~~
12 ~~installation, issued by the enforcement agency. The management~~
13 ~~may require that the accommodations installed pursuant to this~~
14 ~~section be removed by the current homeowner at the time the~~
15 ~~mobilehome is removed from the park or pursuant to a written~~
16 ~~agreement between the current homeowner and the management~~
17 ~~prior to the completion of the resale of the mobilehome in place~~
18 ~~in the park. This section is not exclusive and shall not be construed~~
19 ~~to condition, affect, or supersede any other provision of law or~~
20 ~~regulation relating to accessibility or accommodations for the~~
21 ~~disabled.~~

22 ~~SEC. 16.~~

23 ~~SEC. 11.~~ The heading of Article 4 (commencing with Section
24 798.30) of Chapter 2.5 of Title 2 of Part 2 of Division 2 of the
25 Civil Code is amended and renumbered to read:

26
27 Article 3.5. Fees and Charges
28

29 ~~SEC. 17.~~

30 ~~SEC. 12.~~ Section 798.38 of the Civil Code is amended and
31 renumbered to read:

32 798.40. (a) Where the management provides both master-meter
33 and submeter service of utilities to a homeowner, for each billing
34 period the cost of the charges for the period shall be separately
35 stated along with the opening and closing readings for his or her
36 meter. The management shall post in a conspicuous place, the
37 prevailing residential utilities rate schedule as published by the
38 serving utility.

39 (b) If a third-party billing agent or company prepares utility
40 billing for the park, the management shall disclose on each

1 resident's billing, the name, address, and telephone number of the
2 billing agent or company.

3 ~~SEC. 18. Section 798.39 of the Civil Code is amended and~~
4 ~~renumbered to read:~~

5 ~~798.38. (a) The management may only demand a security~~
6 ~~deposit on or before initial occupancy and the security deposit may~~
7 ~~not be in an amount or value in excess of an amount equal to two~~
8 ~~months' rent that is charged at the inception of the occupancy, in~~
9 ~~addition to any rent for the first month. In no event shall additional~~
10 ~~security deposits be demanded of a homeowner following the~~
11 ~~initial occupancy.~~

12 ~~(b) As to all security deposits collected on or after January 1,~~
13 ~~1989, after the homeowner has promptly paid to the management,~~
14 ~~within five days of the date the amount is due, all of the rent,~~
15 ~~utilities, and reasonable service charges for any~~
16 ~~12-consecutive-month period subsequent to the collection of the~~
17 ~~security deposit by the management, or upon resale of the~~
18 ~~mobilehome, whichever occurs earlier, the management shall,~~
19 ~~upon the receipt of a written request from the homeowner, refund~~
20 ~~to the homeowner the amount of the security deposit within 30~~
21 ~~days following the end of the 12-consecutive-month period of the~~
22 ~~prompt payment or the date of the resale of the mobilehome.~~

23 ~~(c) As to all security deposits collected prior to January 1, 1989,~~
24 ~~upon the extension or renewal of the rental agreement or lease~~
25 ~~between the homeowner and the management, and upon the receipt~~
26 ~~of a written request from the homeowner, if the homeowner has~~
27 ~~promptly paid to the management, within five days of the date the~~
28 ~~amount is due, all of the rent, utilities, and reasonable service~~
29 ~~charges for the 12-consecutive-month period preceding the receipt~~
30 ~~of the written request, the management shall refund to the~~
31 ~~homeowner the amount of the security deposit within 60 days.~~

32 ~~(d) As to all security deposits collected prior to January 1, 1989,~~
33 ~~and not disbursed pursuant to subdivision (c), in the event that the~~
34 ~~mobilehome park is sold or transferred to any other party or entity,~~
35 ~~the selling park owner shall deposit in escrow an amount equal to~~
36 ~~all security deposits that the park owner holds. The seller's escrow~~
37 ~~instructions shall direct that, upon close of escrow, the security~~
38 ~~deposits therein that were held by the selling park owner (including~~
39 ~~the period in escrow) for 12 months or more, shall be disbursed~~
40 ~~to the persons who paid the deposits to the selling park owner and~~

1 promptly paid, within five days of the date the amount is due, all
2 rent, utilities, and reasonable service charges for the 12-month
3 period preceding the close of escrow.

4 (e) Any and all security deposits in escrow that were held by
5 the selling park owner that are not required to be disbursed pursuant
6 to subdivision (b), (c), or (d) shall be disbursed to the successors
7 in interest to the selling or transferring park owner, who shall have
8 the same obligations of the park's management and ownership
9 specified in this section with respect to security deposits. The
10 disbursement may be made in escrow by a debit against the selling
11 park owner and a credit to the successors in interest to the selling
12 park owner.

13 (f) The management shall not be required to place any security
14 deposit collected in an interest-bearing account or to provide a
15 homeowner with any interest on the security deposit collected.

16 (g) Nothing in this section shall affect the validity of title to real
17 property transferred in violation of this section.

18 ~~SEC. 19.~~

19 *SEC. 13.* The heading of Article 4 (commencing with Section
20 798.40) is added to Chapter 2.5 of Title 2 of Part 2 of Division 2
21 of the Civil Code, as immediately following Section 798.39, to
22 read:

23
24 Article 4. Utilities
25

26 ~~SEC. 20.~~

27 *SEC. 14.* Section 798.40 of the Civil Code is amended and
28 renumbered to read:

29 ~~798.39.~~

30 798.38. The management shall not acquire a lien or security
31 interest, other than an interest arising by reason of process issued
32 to enforce a judgment of any court, in a mobilehome located in
33 the park unless it is mutually agreed upon by both the homeowner
34 and management. Any billing and payment upon the obligation
35 shall be kept separate from current rent.

36 ~~SEC. 21.~~

37 *SEC. 15.* Section 798.42 of the Civil Code is amended and
38 renumbered to read:

39 798.39.5. (a) The management shall not charge or impose
40 upon a homeowner any fee or increase in rent which reflects the

1 cost to the management of any fine, forfeiture, penalty, money
2 damages, or fee assessed or awarded by a court of law against the
3 management for a violation of this chapter, including any attorney's
4 fees and costs incurred by the management in connection therewith.

5 (b) A court shall consider the remoteness in time of the
6 assessment or award against the management of any fine, forfeiture,
7 penalty, money damages, or fee in determining whether the
8 homeowner has met the burden of proof that the fee or increase in
9 rent is in violation of this section.

10 (c) Any provision in a rental agreement entered into, renewed,
11 or modified on or after January 1, 1995, that permits a fee or
12 increase in rent that reflects the cost to the management of any
13 money damages awarded against the management for a violation
14 of this chapter shall be void.

15 ~~SEC. 22.~~

16 *SEC. 16.* Section 798.43 of the Civil Code is amended and
17 renumbered to read:

18 798.42. (a) Except as provided in subdivision (b), whenever
19 a homeowner is responsible for payment of gas, water, or electric
20 utility service, management shall disclose to the homeowner any
21 condition by which a gas, water, or electric meter on the
22 homeowner's site measures gas, water, or electric service for
23 common area facilities or equipment, including lighting, provided
24 that management has knowledge of the condition.

25 Management shall disclose this information prior to the inception
26 of the tenancy or upon discovery and shall complete either of the
27 following:

28 (1) Enter into a mutual written agreement with the homeowner
29 for compensation by management for the cost of the portion of the
30 service measured by the homeowner's meter for the common area
31 facilities or equipment to the extent that this cost accrues on or
32 after January 1, 1991.

33 (2) Discontinue using the meter on the homeowner's site for
34 the utility service to the common area facilities and equipment.

35 (b) On and after January 1, 1994, if the electric meter on the
36 homeowner's site measures electricity for lighting mandated by
37 Section 18602 of the Health and Safety Code and this lighting
38 provides lighting for the homeowner's site, management shall be
39 required to comply with subdivision (a).

1 ~~SEC. 23. Section 798.43.1 of the Civil Code is amended and~~
2 ~~renumbered to read:~~

3 ~~798.43. (a) The management of a master-meter park shall give~~
4 ~~written notice to homeowners and residents on or before February~~
5 ~~1 of each year in their utility billing statements about assistance~~
6 ~~to low-income persons for utility costs available under the~~
7 ~~California Alternate Rates for Energy (CARE) program, established~~
8 ~~pursuant to Section 739.1 of the Public Utilities Code. The notice~~
9 ~~shall include CARE information available to master-meter~~
10 ~~customers from their serving utility, to include, at a minimum: (1)~~
11 ~~the fact that CARE offers a discount on monthly gas or electric~~
12 ~~bills for qualifying low-income residents; and (2) the telephone~~
13 ~~number of the serving utility which provides CARE information~~
14 ~~and applications. The park shall also post the notice in a~~
15 ~~conspicuous place in the clubhouse, or if there is no clubhouse, in~~
16 ~~a conspicuous public place in the park.~~

17 ~~(b) The management of a master-meter park may accept and~~
18 ~~help process CARE program applications from homeowners and~~
19 ~~residents in the park, fill in the necessary account or other park~~
20 ~~information required by the serving utility to process the~~
21 ~~applications, and send the applications to the serving utility. The~~
22 ~~management shall not deny a homeowner or resident who chooses~~
23 ~~to submit a CARE application to the utility himself or herself any~~
24 ~~park information, including a utility account number, the serving~~
25 ~~utility requires to process a homeowner or resident CARE program~~
26 ~~application.~~

27 ~~(c) The management of a master-meter park shall pass through~~
28 ~~the full amount of the CARE program discount in monthly utility~~
29 ~~billings to homeowners and residents who have qualified for the~~
30 ~~CARE rate schedule, as defined in the serving utility's applicable~~
31 ~~rate schedule. The management shall notice the discount on the~~
32 ~~billing statement of any homeowner or resident who has qualified~~
33 ~~for the CARE rate schedule as either the itemized amount of the~~
34 ~~discount or a notation on the statement that the homeowner or~~
35 ~~resident is receiving the CARE discount on the electric bill, the~~
36 ~~gas bill, or both the electric and gas bills.~~

37 ~~(d) "Master-meter park" as used in this section means~~
38 ~~"master-meter customer" as used in Section 739.5 of the Public~~
39 ~~Utilities Code.~~

1 ~~SEC. 24.~~

2 *SEC. 17.* Section 798.44 of the Civil Code is amended to read:

3 798.44. (a) The management of a park that does not permit
4 mobilehome owners or park residents to purchase liquefied
5 petroleum gas for use in the mobilehome park from someone other
6 than the mobilehome park management shall not sell liquefied
7 petroleum gas to mobilehome owners and residents within the park
8 at a cost which exceeds 110 percent of the actual price paid by the
9 management of the park for liquefied petroleum gas.

10 (b) The management of a park shall post in a visible location
11 the actual price paid by management for liquefied petroleum gas
12 sold pursuant to subdivision (a).

13 (c) This section shall apply only to mobilehome parks regulated
14 under the Mobilehome Residency Law. This section shall not apply
15 to recreational vehicle parks, as defined in Section 18215 of the
16 Health and Safety Code, which exclusively serve recreational
17 vehicles, as defined in Section 18010 of the Health and Safety
18 Code.

19 (d) Nothing in this section is intended to abrogate any rights a
20 mobilehome park owner may have under Section 798.31 of the
21 Civil Code.

22 (e) In addition to a mobilehome park described in subdivision
23 (a), the requirements of subdivisions (a) and (b) shall apply to a
24 mobilehome park where requirements of federal, state, or local
25 law or regulation, including, but not limited to, requirements for
26 setbacks between mobilehomes, prohibit homeowners or residents
27 from installing their own liquefied petroleum gas supply tanks,
28 notwithstanding that the management of the mobilehome park
29 permits mobilehome owners and park residents to buy their own
30 liquefied petroleum gas.

31 ~~SEC. 25.~~

32 *SEC. 18.* Section 798.49 of the Civil Code is amended and
33 renumbered to read:

34 798.46. (a) Except as provided in subdivision (d), the local
35 agency of any city, including a charter city, county, or city and
36 county, which administers an ordinance, rule, regulation, or
37 initiative measure that establishes a maximum amount that
38 management may charge a tenant for rent shall permit the
39 management to separately charge a homeowner for any of the
40 following:

1 (1) The amount of any fee, assessment or other charge first
2 imposed by a city, including a charter city, a county, a city and
3 county, the state, or the federal government on or after January 1,
4 1995, upon the space rented by the homeowner.

5 (2) The amount of any increase on or after January 1, 1995, in
6 an existing fee, assessment or other charge imposed by any
7 governmental entity upon the space rented by the homeowner.

8 (3) The amount of any fee, assessment or other charge upon the
9 space first imposed or increased on or after January 1, 1993,
10 pursuant to any state or locally mandated program relating to
11 housing contained in the Health and Safety Code.

12 (b) If management has charged the homeowner for a fee,
13 assessment, or other charge specified in subdivision (a) that was
14 increased or first imposed on or after January 1, 1993, and the fee,
15 assessment, or other charge is decreased or eliminated thereafter,
16 the charge to the homeowner shall be decreased or eliminated
17 accordingly.

18 (c) The amount of the fee, assessment or other charges
19 authorized by subdivision (a) shall be separately stated on any
20 billing to the homeowner. Any change in the amount of the fee,
21 assessment, or other charges that are separately billed pursuant to
22 subdivision (a) shall be considered when determining any rental
23 adjustment under the local ordinance.

24 (d) This section shall not apply to any of the following:

25 (1) Those fees, assessments, or charges imposed pursuant to the
26 Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)
27 of Division 13 of the Health and Safety Code), unless specifically
28 authorized by Section 18502 of the Health and Safety Code.

29 (2) Those costs that are imposed on management by a court
30 pursuant to Section 798.42.

31 (3) Any fee or other exaction imposed upon management for
32 the specific purpose of defraying the cost of administration of any
33 ordinance, rule, regulation, or initiative measure that establishes
34 a maximum amount that management may charge a tenant for rent.

35 (4) Any tax imposed upon the property by a city, including a
36 charter city, county, or city and county.

37 (e) Those fees and charges specified in subdivision (a) shall be
38 separately stated on any monthly or other periodic billing to the
39 homeowner. If the fee or charge has a limited duration or is
40 amortized for a specified period, the expiration date shall be stated

1 on the initial notice and each subsequent billing to the homeowner
2 while the fee or charge is billed to the homeowner.

3 ~~SEC. 26. Section 798.76 of the Civil Code is amended and~~
4 ~~renumbered to read:~~

5 ~~798.28. The management may require that a prospective~~
6 ~~purchaser comply with any rule or regulation limiting residency~~
7 ~~based on age requirements for housing for older persons, provided~~
8 ~~that the rule or regulation complies with the federal Fair Housing~~
9 ~~Act, as amended by Public Law 104-76, and implementing~~
10 ~~regulations.~~

11 *SEC. 19. Nothing in this act shall be construed to affect the*
12 *application of any other statute, regulation, or any existing*
13 *contract, lease, rental agreement, or related document.*